

August 29, 2008

Hon. James C. Francis
United States Magistrate Judge
United States Courthouse
500 Pearl Street
New York, NY 10007

By ECF

re: USA v. Carlos Contreras
08 Civ. 1976 (JSR)

Dear Judge Francis;

In response to the Government's submission Mr. Contreras submits the only way to reconcile the factual issues herein is to have a hearing at which time trial counsel Diaz can testify, and be cross examined. The Court of Appeals did not decide the ineffective counsel issue on direct appeal because of an insufficient factual record. Mr. Contreras requests the opportunity to develop said record in the District Court.

Respectfully submitted,
/s

B. Alan Seidler

cc: Carlos Contreras
bas/ee